

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**JAMES T. BRADLEY and GARRETT LAMBERT,
in their own right and on behalf of others
similarly situated,**

Plaintiffs,

v.

**Civil Action No. 2:18-cv-00007
Judge John T. Copenhaver, Jr.**

**LEGACY LAND MANAGEMENT, INC.,
KENNETH LAMBERT, and SHERRI
LAMBERT, individually,**

Defendants.

**MOTION FOR FINAL APPROVAL OF SETTLEMENT AND A SERVICE AWARD
FOR THE NAMED CLASS REPRESENTATIVE**

COMES now the Plaintiffs, James T. Bradley and Garrett Lambert, by counsel, Greg A. Hewitt, Anthony M. Salvatore, James C. Powell, and Anthony J. Majestro, and requests this Court enter a final order herein (a copy of which is attached at Exhibit A). In support thereof, the Plaintiffs state as follows:

1. This action was instituted on or about January 3, 2018.
2. After extensive litigation, multiple discovery depositions, as well as written interrogatory and a prolonged mediation, the Parties reached a proposed settlement.
3. Pursuant to that proposed settlement, an unopposed Motion for Preliminary Approval was filed by the Plaintiffs.
4. An Order was entered on or about October 24, 2019 granting Preliminary Approval entering a Scheduling Order.
5. As directed, the Claim's Administrator sent two letters to each potential Class Member with the previously approved Notice.
6. Since that time, the Claim's Administrator has located all but one Class Member.

7. As evidenced in the previously submitted “Status Update”, there have been no objections filed and no Class Members have opted out.

8. Further, the time has passed for the potential Class Member to opt out or to file an objection.

9. Class Counsel has filed a separate Motion for attorney fees and costs pursuant to the Federal Rules of Civil Procedure 54(d)(2).

For the reasons set forth herein, and as incorporating the previously submitted unopposed Motion for Preliminary Approval of Settlement Agreement, the Granting of Conditional Class Certification, the appointment of James T. Bradley and Garrett Lambert as Class Representatives, the Parties request that this Court approve the settlement herein.

PLAINTIFFS,

By Counsel

/s/ Greg A. Hewitt
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CERTIFICATE OF SERVICE

I, the undersigned counsel for Plaintiff, do hereby certify that the foregoing **MOTION FOR FINAL APPROVAL OF SETTLEMENT AND A SERVICE AWARD FOR THE NAMED CLASS REPRESENTATIVE** has been filed with the Court on this 30th day of January, 2020, using the CM/ECF system.

/s/ Greg A. Hewitt

Greg A. Hewitt (WVSB 7457)

Counsel for Plaintiff